

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3351

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



2017 NOV 27 PM 12:31

SENSITIVE

November 27, 2017

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KR* *BH*
Kristin D. Roser/Ben Holly
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2017 October Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2017 October Quarterly Report in accordance with 52 U.S.C. § 30104(a). The October Quarterly Report was due on October 15, 2017.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11/27/2017 11:01 AM

Federal Election Commission
Reason to Believe Circulation Report
2017 OCTOBER QUARTERLY Not Election Sensitive 10/15/2017 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3350	C00440909	BYRNE FOR CONGRESS	LESLIE L. BYRNE	BRUCE NEILSON	\$165,411	0		Not Filed	\$82,706 (est)	\$4,862
3351	C00840219	PAULA SWEARENGIN 2018	PAULA JEAN SWEARENGIN	PAULA SWEARENGIN	\$177,069	0	11/1/2017	17	\$84,598	\$2,919

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2017)
October Quarterly Report for the)
Administrative Fine Program:)
BYRNE FOR CONGRESS, and BRUCE) AF# 3350
NEILSON as treasurer;)
PAULA SWEARENGIN 2018, and) AF# 3351
PAULA SWEARENGIN as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on November 30, 2017 the Commission took the following
actions on the Reason To Believe Recommendation - 2017 October Quarterly Report
for the Administrative Fine Program as recommended in the Reports Analysis
Division's Memorandum dated November 27, 2017, on the following committees:

AF#3350 Decided by a vote of 5-0 to: (1) find reason to believe that BYRNE FOR
CONGRESS, and BRUCE NEILSON, in his official capacity as treasurer, violated
52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty
would be the amount indicated on the report; (2) send the appropriate letter.
Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively
for the decision.

AF#3351 Decided by a vote of 5-0 to: (1) find reason to believe that PAULA
SWEARENGIN 2018, and PAULA SWEARENGIN, in her official capacity as treasurer,
violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money
penalty would be the amount indicated on the report; (2) send the appropriate letter.
Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively
for the decision.

Federal Election Commission
Certification for Administrative Fines
November 30, 2017

Page 2

Attest:

November 30, 2017
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 30, 2017

Paula Swearengin, in official capacity as Treasurer
Paula Swearengin 2018
714 South Gay Street
Knoxville, TN 37902

C00640219
AF#: 3351

Dear Ms. Swearengin:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2017 through September 30, 2017, shall be filed no later than October 15, 2017. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on November 1, 2017, 17 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On November 30, 2017, the FEC found that there is reason to believe ("RTB") that Paula Swearengin 2018 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before October 15, 2017. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,919. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$2,919 is due within forty (40) days of the finding, or by January 9, 2018, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$84,598
Number of Days Late: 17
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 9, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Paula Swearengen 2018 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$2,919 for the 2017 October Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Paula Swearengin 2018

FEC ID#: C00640219

AF#: 3351

PAYMENT DUE DATE: January 9, 2018

PAYMENT AMOUNT DUE: \$2,919

**IN THE MATTER OF
ADMINISTRATIVE FINE #3351
PAULA SWEARENGIN 2018**

**RECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS**

2017 DEC 28 AM 11:49

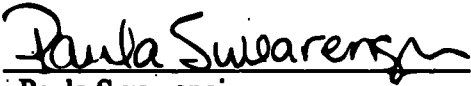
DECLARATION OF PAULA SWEARENGIN

I, Paula Swearengin, declare that the information stated below is true to the best of my information, knowledge, and belief.

1. I am a candidate for U.S. Senate in West Virginia. I am a first-time candidate, having never before run for federal office. Paula Swearengin 2018 (the "Committee") is my principal campaign committee. I currently serve as treasurer for the Committee.
2. On November 30, 2017, my campaign received a notification that the Federal Election Commission ("FEC" or the "Commission") had found reason to believe that the Committee violated 52 U.S.C. § 30104(a) by failing to timely file the Committee's October Quarterly Report, due no later than October 15, 2017. At that time, the Commission imposed a civil money penalty under the Administrative Fines Program totaling \$2,919.
3. As permitted by 11 C.F.R. § 111.35, I wish to challenge the imposed civil penalty. It is my belief that the civil money penalty is based on a factual error; as the report in question was timely filed through the FEC's electronic reporting system prior to October 15, 2017. In the alternative, I believe I used best efforts to file in a timely manner under the given circumstances.
4. On October 15, 2017, my campaign electronically filed the Committee's October Quarterly Report. The report disclosed total receipts and disbursements of \$84,598. The report was accepted and we received the confirmation code "SEN-1790."
5. As noted above, I am a novice candidate and am serving as my own treasurer. At the time of the October Quarterly Report filing deadline, I was unrepresented by counsel and was not familiar with the unique paper filing requirements. My campaign mistakenly believed that as long as the FEC received an electronic copy of the report before the deadline passed, the paper filing with the Secretary of the Senate was a secondary administrative task to which the filing deadline did not apply. Consistent with our belief, the FEC accepted our electronic filing on due date and we were not, at any time, alerted that our actions to electronically file the Committee's report were insufficient.
6. In late October my campaign came to be aware of the paper filing requirement and filed such a copy with the Secretary of the Senate on November 1, 2017. The paper filing reported the same activity disclosed on the electronically-filed report. I filed the paper report prior to receiving the FEC's Request for Additional Information dated November 2, 2017, alerting me to the lateness of the Committee's paper filing.
7. I now understand that the requirement to file paper reports is unique to candidates for Senate, and that all other candidates are able—and in many cases required—to file by electronic means. Since 2000, the FEC has unanimously recommended mandatory

electronic filing for Senate candidates, noting that paper filing by Senate candidates contributes to significant delays in processing reports. In its recent Legislative Recommendations, the FEC urged Congress to require mandatory electronic filing for Senate candidates, concluding that the change could yield savings of at least \$896,000 per year to the FEC, and additional savings at the Secretary of the Senate. See https://www.fec.gov/resources/cms-content/documents/mtgdoc_17-61-a.pdf. It is also my understanding that at least 51 sitting U.S. Senators have co-sponsored legislation that would amend the Act to require electronic filing for Senate candidates. See List of Co-Sponsors of S.B. 298, 115th Congress, <https://www.congress.gov/bill/115th-congress/senate-bill/298/cosponsors> (last visited Dec. 15, 2017). It would not be an efficient use of Commission resources to further pursue fines under circumstances like my own, for violations of an antiquated policy with which the Commission unanimously disagrees.

8. Since learning of the paper filing requirement, my campaign has obtained legal counsel to advise us on the requirements of the Federal Election Campaign Act and FEC regulations. It is our goal to fully comply with all applicable law.
9. In conclusion, the Committee's delay in filing a paper copy of its report was regrettable and inadvertent, resulting from the newness of our campaign, lack of professional guidance, and reasonable misconception that a candidate's FEC reports should be filed with your agency by the filing deadlines, rather than the Secretary of the Senate. The fact that the Committee timely filed an electronic copy of its report demonstrates our intent to comply with the requirements of the Act and efforts to do so.
10. Given that the electronic report was timely filed, and with the understanding that I, as treasurer, made my best effort to timely disclose the Committee's financial activity, I respectfully request that the Commission reconsider its finding, conclude that there is no reason to believe that the Committee violated the Act, and rescind the administrative fine. Alternatively, I respectfully request that the Commission use its prosecutorial discretion to dismiss the alleged violation.


Paula Swarengin

12/23/17
Date



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 21, 2018

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3351 – Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer (C00640219)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty.

Reason-to-Believe Background

The 2017 October Quarterly Report was due on October 15, 2017. The respondents filed the report on November 1, 2017, 17 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On November 30, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,919 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on November 30, 2017 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 52 U.S.C. § 30102(g) and 11 C.F.R. § 105.2. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 52 U.S.C. § 30104(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On December 28, 2017, the Commission received the written response ("challenge") from the first-time Senate Candidate. The Candidate states that the Committee electronically filed the 2017 October Quarterly Report on October 15, 2017 and received confirmation that the

report was accepted. After becoming aware of the paper filing requirement, the Committee filed a copy of the report with the Secretary of the Senate on November 1, 2017.

The Candidate further states:

At the time of the October Quarterly Report filing deadline, I was unrepresented by counsel and was not familiar with the unique paper filing requirements. My campaign mistakenly believed that as long as the FEC received an electronic copy of the report before the deadline passed, the paper filing with the Secretary of the Senate was a secondary administrative task to which the filing deadline did not apply. Consistent with our belief, the FEC accepted our electronic filing on due date and we were not, at any time, alerted that our actions to electronically file the Committee's report were insufficient...

[T]he Committee's delay in filing a paper copy of its report was regrettable and inadvertent, resulting from the newness of our campaign, lack of professional guidance, and reasonable misconception that a candidate's FEC reports should be filed with your agency by the filing deadlines, rather than the Secretary of the Senate. The fact that the Committee timely filed an electronic copy of its report demonstrates our intent to comply with the requirements of the Act and efforts to do so.

The Candidate also discusses her viewpoint that the Commission should not pursue fines "for violations of an antiquated policy with which the Commission unanimously disagrees." Further, she requests that the Commission reconsider the RTB finding given her best efforts to timely disclose the financial activity.

Analysis

The respondents' challenge states that the Committee timely submitted an electronic filing of the 2017 October Quarterly Report. On October 15, 2017, the Commission received the Committee's unofficial electronic submission of the 2017 October Quarterly Report. According to the Commission's Electronic Filing Office (EFO), this report was submitted using third-party software and appropriately filed to the server designated for unofficial Senate electronic submissions only. These voluntary electronic filings of Senate committees are not considered when determining compliance with filing requirements. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed on paper with the Secretary of the Senate. 52 U.S.C. § 30102(g) and 11 C.F.R. § 105.2.

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OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 3351 involving Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 3351 that Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty; and
- 3) Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 –

Attachment 3 – Page 83 of *Campaign Guide for Congressional Candidates and Committees*

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR

Filing Reports**Reporting Deadlines**

REPORT TYPE	COVERING	DUE
Quarterly	January 1 — March 31	April 15
	April 1 — June 30	July 15
	July 1 — September 30	October 15
	October 1 — December 31	January 31
Pre-Election (Both Pre-Primary and Pre-General as well as Pre-Runoff, if appropriate)	First day of the current reporting period through the 20th day before the election	12 days before the election
Post-General	First day of the current reporting period through the 20th day after the general election	30 days after the general election
48 Hour Notices (Reporting contributions of \$1,000 or more)	Contributions received less than 20 days but more than 48 hours before the election	Within 48 hours of receipt of contribution

viewing officer's recommendation and the committee's response, if any, the Commission will determine whether the committee violated 52 U.S.C. §30104(a) and, if so, will assess a civil money penalty based on the schedules of penalties. The committee will then have 30 days to pay the penalty or seek court review of the case.⁶ See 111.34 and 111.35.

Respondents must demonstrate one of the following situations in their challenge:

- The RTB filing is based on factual errors;
- The RTB civil money penalty is improperly calculated; or
- They could not file due to reasonably unforeseen circumstances beyond their control, and they filed the late report within 24 hours after those circumstances ended (also called the "best efforts" defense).

Excuses involving negligence, illness, inexperience, unavailability of committee staff or treasurer, failure to know filing dates, failure to use Commission soft-

ware properly, delays caused by vendors or failure of the committee's computers, software or Internet service provider do not qualify for the "best efforts" defense. 111.35(c) and (d).⁷

5. ELECTRONIC FILING

Campaign committees of House and Presidential candidates must file all reports and statements electronically if their total contributions or total expenditures exceed, or are expected to exceed, \$50,000 in a calendar year. 104.18(a). The requirement to file electronically does not apply to Senate candidate committees (or other committees that support only Senate candidates), who are required to file their reports on paper with the Secretary of the Senate.⁸

⁶ For more information on the Administrative Fine Program, see 11 CFR 111.30 to 111.46, and the Commission's website at www.fec.gov/af/af.shtml.

⁷ These rules are effective as of April 30, 2007. See 72 Fed. Reg. 14662 (March 29, 2007).

⁸ Senate candidates are encouraged to file an unofficial, electronic copy of their reports with the FEC (in addition to their official paper copy with the Secretary of the Senate) to ensure faster disclosure.

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Paula Swearengen 2018:
- A) Non-Filer Letter, dated November 2, 2017, referencing the 2017 October Quarterly Report (sent via electronic mail to: admin@brandnewcongress.org and tara@brandnewcongress.org);
- B) Reason-to-Believe Letter, dated November 30, 2017, referencing the 2017 October Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Paula Swearengen 2018 filed the 2017 October Quarterly Report with the Commission on November 1, 2017.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 15th day of February, 2018.

Kristin Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

November 2, 2017

PAULA SWEARENGIN, TREASURER
PAULA SWEARENGIN 2018
714 SOUTH GAY STREET
KNOXVILLE, TN 37902

IDENTIFICATION NUMBER: C00640219

REFERENCE: OCTOBER QUARTERLY REPORT (07/01/2017 - 09/30/2017)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

PAULA SWEARENGIN 2018

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,

Debbie Chacora

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending September 30 no later than October 15. All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than October 15, 2017 for the 2017 October Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover page and envelope replacement page of the 2017 October Quarterly Report filed by Paula Swearengin 2018 and Paula Swearengin, in her official capacity as Treasurer. The report includes the coverage period of July 1, 2017 through September 30, 2017 and was filed on November 1, 2017.
 - b) Statement of Organization filed by Paula Swearengin 2018 and Paula Swearengin, in her official capacity as Treasurer on July 17, 2017.
 - c) Statement of Organization filed by Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer on February 6, 2018.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 21st day of February, 2018.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

RECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS

17 NOV -6 PM 2:15

FEC
FORM 3REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Paula Swearengin 2018

ADDRESS (number and street)

714 S. Gay Street

Check if different
than previously
reported. (ACC)

Knoxville

TN

37802

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00840218

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

STATE ▼ DISTRICT

WV

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

in the
State of

MM / DD / YYYY

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

in the
State of

MM / DD / YYYY

5. Covering Period

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

through

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Swearengin, Paula.

Type or Print Name of Treasurer

Signature of Treasurer

Paula Swearengin

Date

MM / DD / YYYY

MM / DD / YYYY

MM / DD / YYYY

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
OnlyFEC FORM 3
(Revised 05/2015)

ALAN E. ADAMS
SECRETARY

DANA E. MACCALLUM
SUPERINTENDENT

HART SENATE OFFICE BUILDING
SUITE 302

WASHINGTON, DC 20510-7115

PHONE (202) 224-0322

United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED _____
Date of Receipt

USPS FIRST CLASS MAIL _____
Date of Receipt _____ Postmark _____

USPS REGISTERED/CERTIFIED 11/6/17
Postmark

USPS PRIORITY MAIL _____
Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL _____
Postmark

OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS _____ ☐

UPS _____ ☐

DHL _____ ☐

AIRBORNE EXPRESS _____ ☐

RECEIVED FROM FEDERAL ELECTION COMMISSION _____
Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX _____
Date of Receipt

OTHER _____
Date of Receipt or Postmark

PREPARER mn DATE PREPARED 11/6/17

4/04/16

201711060200373028

NOV 10 2017

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER
17 JUL 17 PM 03:41 17 AM 8:23
Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

Paula Swearegin 2018

ADDRESS (number and street)

714 South Gay Street

☐

(Check if address
is changed)

Knoxville

CITY ▲

TN

STATE ▲

37902

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

☐

(Check if address
is changed)

admin@gmailbrandnewcongress.org

Optional: Second E-Mail Address

tara@brandnewcongress.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

2. DATE

05 03 2017

3. FEC IDENTIFICATION NUMBER ▶

C000640219

4. IS THIS STATEMENT

☐

NEW (N)

OR

☒

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Paula Jean Swearegin

Signature of Treasurer

Date

07 11 2017

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

201707180200198424

Write or Type Committee Name

Paula Swearingin 2018

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

NONE

Mailing Address

CITY

STATE

ZIP CODE

Relationship: ☐ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name

Swearingin, Paula

Mailing Address

714 South Gray Street

Knoxville

TN

37902-

Title or Position

CITY

STATE

ZIP CODE

Telephone number

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name
of Treasurer

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

201707180200198426

Full Name of
Designated
Agent

Mailing Address

Title or Position

Telephone number

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Amalgamated Bank

Mailing Address

235 Seventh Avenue

New York

NY

10001

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

201707180200198427

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
SECRETARY OF THE SENATE
PUBLIC RECORDS

2018 FEB 12 PM 12:07

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

Paula Swearingin 2018

ADDRESS (number and street)

PO Box 604



(Check if address
is changed)

Morgantown

CITY ▲

WV

STATE ▲

26507

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS



(Check if address
is changed)

paula-jean@paulajeane2018.com

Optional Second E-Mail Address

teri@paulajeane2018.com

COMMITTEE'S WEB PAGE ADDRESS (URL)



(Check if address
is changed)

www.paulajeane2018.com

2. DATE

02

06

2018

3. FEC IDENTIFICATION NUMBER ►

C 00640219

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Teri Dalton

Signature of Treasurer

Teri Dalton

Date

02

06

2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 52 U.S.C. §30109.
ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 06/2012)

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought:

House

Senate

President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☐ This committee is a ☐ (National, State or subordinate) committee of the ☐ (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee. (i.e., nonconnected committee)
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- ☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	<input type="checkbox"/>	FEC ID number	<input type="checkbox"/>
2.	<input type="checkbox"/>	FEC ID number	<input type="checkbox"/>
3.	<input type="checkbox"/>	FEC ID number	<input type="checkbox"/>
4.	<input type="checkbox"/>	FEC ID number	<input type="checkbox"/>

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Two horizontal number lines, each marked from 0 to 100 in increments of 1. The top line is labeled '100%' at the right end. The bottom line is also labeled '100%' at the right end. These lines are intended for recording the percentage of correct answers for each question.

[illegible]**ZIP CODE**

Relationship: ☒ Connected Organization ☐ Affiliated Committee ☐ Joint Fundraising Representative ☐ Leadership PAC Sponsor

- Full Name** Teri Dalton

PO Box 604

Morgantown | WV | **26507** | - |

ZIP CODE .

Treasurer _____

Telephone number **304** - **376** - **2000**

- Full Name of Treasurer Teri Dalton

PO Box _____

Morgantown | | | | | | | | | | **WV** | **26507** | - | | | |

ZIP CODE

Treasurer _____

Telephone number **304 376 2000**

1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785 2786 2787 2788 2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799 2800 2801 2802 2803 2804 2805 2806 2807 2808

5(g) or (h). Joint Fundraising Participant:

1. _____
2. _____
3. _____
4. _____

FEC ID number

C _____

FEC ID number

C _____

FEC ID number

C _____

FEC ID number

C _____

6. Name of Any Connected Organization, Affiliated Committee, Joint Fundraising Representative, or Leadership PAC Sponsor

Mailing Address

Relationship:

CITY ▲

STATE ▲

ZIP CODE ▲

☐

Connected Organization

☐

Affiliated Committee

☐

Joint Fundraising Representative

☐

Leadership PAC Sponsor

8. Designated Agent: Identify by name, address (phone number - optional)

Full Name

Mailing Address

TITLE OR POSITION ▼

CITY ▲

STATE ▲

ZIP CODE ▲

Telephone Number

_____-_____-_____

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank,
Depository, etc.

Mailing Address

CITY ▲

STATE ▲

ZIP CODE ▲



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 2018

Teri Dalton, in official capacity as Treasurer
Paula Swearengin 2018
PO Box 604
Morgantown, WV 26507

C00640219
AF#: 3351

Dear Ms. Dalton:

On November 30, 2017, the Commission found reason to believe ("RTB") that Paula Swearengin 2018 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,919 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess no civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2018 MAY 18 AM 9:32

SENSITIVE

May 18, 2018

MEMORANDUM

To: The Commission

Through: Alec Palmer *SWH/fm*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3351 – Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer (C00640219)

On November 30, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report. The Commission made a preliminary determination that the civil money penalty was \$2,919 based on the schedule of penalties at 11 C.F.R. § 111.43.

On December 28, 2017, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated February 21, 2018 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On May 16, 2018, the respondents indicated their intent to pay the recommended civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 3351 involving Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 3351 that Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty; and
- 3) Send the appropriate letter.

14-00000-1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3351
Final Determination Recommendation:)
Paula Swearengen 2018 and Teri Dalton,)
in her official capacity as Treasurer)
(C00640219))

CERTIFICATION

I, Laura E. Sinram, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 26, 2018, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-1 to:
 - a. Adopt the Reviewing Officer Recommendation for AF# 3351 involving Paula Swearengen 2018 and Teri Dalton, in her official capacity as Treasurer, in making the final determination.
 - b. Make a final determination in AF# 3351 that Paula Swearengen 2018 and Teri Dalton, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty.
 - c. Send the appropriate letter.

Commissioners Hunter, Petersen, and Walther voted affirmatively for the motion.

Commissioner Weintraub dissented.

2. Decided by a vote of 4-0 to:

Otherwise terminate the proceedings with the understanding that this is the ministerial vote to close the file.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

6/28/18

Date _____

Gaura E. Sinen

Laura E. Sinram

Deputy Secretary of the Commission

100-67891-1B



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 28, 2018

Teri Dalton, in official capacity as Treasurer
Paula Swearengin 2018
PO Box 604
Morgantown, WV 26507

C00640219
AF#: 3351

Dear Ms. Dalton:

On November 30, 2017, the Commission found reason to believe ("RTB") that Paula Swearengin 2018 and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report and made a preliminary determination that the civil money penalty was \$2,919 based on the schedule of penalties at 11 C.F.R. § 111.43. On December 28, 2017, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Paula Swearengin 2018 and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty in the amount of \$2,919 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on February 21, 2018.

On June 26, 2018, the Commission failed to adopt the Reviewing Officer's recommendation, and voted to terminate the proceedings with respect to 52 U.S.C. § 30104(a) and close the file. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1158.

On behalf of the Commission,

Carole C. Hunter

Caroline Hunter
Chair

Attachment

1-800-424-9530



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 2018

MEMORANDUM

To: The Commission

Through: Alec Palmer
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3351 – Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer (C00640219)

On November 30, 2017, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2017 October Quarterly Report. The Commission made a preliminary determination that the civil money penalty was \$2,919 based on the schedule of penalties at 11 C.F.R. § 111.43.

On December 28, 2017, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated February 21, 2018 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On May 16, 2018, the respondents indicated their intent to pay the recommended civil money penalty.

OAR Recommendations

- 1) Adopt the Reviewing Officer recommendation for AF# 3351 involving Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, in making the final determination;
- 2) Make a final determination in AF# 3351 that Paula Swearengin 2018 and Teri Dalton, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,919 civil money penalty; and
- 3) Send the appropriate letter.

11-01-2018 10:00 AM

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3351

100-200000